

11 JAN 2007

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THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION,
P. O. BOX 1967
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In re Application of :
Baikerikar et al. :
Application No.: 10/549,356 : DECISION
PCT No.: PCT/US04/10330 :
Int. Filing Date: 31 March 2004 : ON
Priority Date: 02 April 2003 :
Attorney Docket No.: 62657A : PETITION
For: Organosilicate Resin Formulation :
For Use In Microelectronic Devices :

This is with regard to submission filed on 09 May 2006.

BACKGROUND

This international application was filed on 31 March 2004, claimed an earliest priority date of 02 April 2003, and designated the United States. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 02 October 2005. Applicants filed *inter alia* the required basic national fee on 16 September 2005.

On 28 April 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h). The Notification objected to a “page missing with additional signatures.”

DISCUSSION

The instant submission includes a “Page two of two” of a “Declaration And Power Of Attorney.” Counsel’s attention is drawn to MPEP 201.03, which explains in part that

While each inventor need not execute the same declaration, each oath or declaration executed must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Neither the declaration filed on 16 September 2005 nor the “Page two of two” filed on 09 May 2006 includes “a complete listing of all inventors” nominated in the published international application. Per MPEP 201.03, it would be improper to combine the two declarations to arrive at a single composite document. Moreover, the declaration filed on 19 September 2005 is defective for the additional reason that it includes an un-initialed alteration to the residence data for John Maher. The declaration filed on 09 May 2006 is defective for the additional reason that it does

not include the statements required by 37 CFR 1.63(b)(2) and (3). For all these reasons, it would not be appropriate to accept the declaration(s) of record at this time.

CONCLUSION

The declaration is **NOT ACCEPTED**, without prejudice.

Applicants are given a **ONE (1) MONTH** period for response in which to file a declaration in full compliance with the requirements of 37 CFR 1.497(a) and (b). Extensions of time under 37 CFR 1.136(a) are **NOT** available. Failure to timely reply will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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